

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 2, 2005  
SAN FRANCISCO, CALIFORNIA**

**S107856**

CREW (MARK C.) ON H.C.  
Order to show cause issued

The Director of Corrections is ordered to show cause, when the matter is ordered on calendar, why petitioner is not entitled to relief as a result of trial counsel's failure to adequately investigate and present mitigating evidence at the penalty phase of petitioner's trial as alleged in Claim VI(B).

The written return is to be served and filed on or before March 11, 2005.

Votes: George, C.J., Kennard, Werdeger, and Chin, JJ.

**S129463**

B161549 Second Appellate District,  
Division Two

CITY OF HOPE MEDICAL CENTER v.  
GENENTECH INC.  
Petition for review granted

Werdegar, J., was recused and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin and Brown, JJ.

**S129755**

B166344 Second Appellate District,  
Division Three

PEOPLE v. STANDISH  
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S120677**

A099674 First Appellate District,  
Division Two

PEOPLE v. SORDEN  
Supplemental briefing ordered

The court requests that counsel for appellant Joseph Kenneth Sorden respond to the argument made by the Attorney General in his letter brief filed November 8, 2004, that appellant's proffered evidence concerning his alleged

depression was inadmissible under Penal Code section 28, subdivision (a). Appellant's letter brief should be filed on or before [one week from the date of the Clerk's letter].

**S128935**

G032276 Fourth Appellate District,  
Division Three

QUEST INTERNATIONAL INC. v. ICODE CORP.  
Supplemental briefing ordered

Review was granted in this matter on January 19, 2005, and briefing ordered deferred pending consideration and disposition of a related issue in *LeFrancois v. Goel*, S126630. The court has now determined that it should decide whether the Court of Appeal correctly dismissed the appeal in the instant matter. Accordingly, the parties are directed to brief the issue.

Appellant is directed to serve and file a brief on the merits on or before [30 days of this order]. Additional briefing is to be served and filed in a timely fashion. (See Cal. Rules of Court, rule 29.1(a).)

In addition to any other argument the parties may wish to make regarding whether the Court of Appeal correctly dismissed the appeal, the parties are requested to discuss the relevance, if any, of Code of Civil Procedure section 581d.

**S130201**

A105756 First Appellate District,  
Division One

PEOPLE v. HUGHES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S130323**

D042605 Fourth Appellate District,  
Division One

## PEOPLE v. MURILLO

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S129461**

B169749 Second Appellate District,  
Division Five

## PEOPLE v. CHAN

Petition for review granted; transferred to CA 2/5

For the reasons set forth in a letter filed in this court on December 18, 2004 by the District Attorney of San Diego County, the matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to reconsider the relevant sentencing issue in light of Penal Code section 667.6, subdivision (d) and *People v. Jackson* (1998) 66 Cal.App.4th 182, 190-193.

Kennard, J., would retain this matter for decision by this court.

Votes: George, C.J., Baxter, Werdegar, Chin,  
and Moreno, JJ.

**S129257**

C046285 Third Appellate District

## M. (KENNETH), IN RE

Petition for review & publication request denied

**S129348**

A108202 First Appellate District,  
Division Four

## HANEY (SAMUEL) ON H.C.

Petition for review denied

**S129350**

B178844 Second Appellate District,  
Division One

## SCOTT (PAUL) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

**S129386**

B178717 Second Appellate District,  
Division One

ROSENKRANTZ (ROBERT) ON H.C.  
Petition for review denied

Kennard and Moreno, JJ., are of the opinion the  
petition should be granted.

**S129397**

B178447 Second Appellate District,  
Division Eight

KIZZEE (DELARIO) ON H.C.  
Petition for review denied

**S129407**

H026133 Sixth Appellate District

PEOPLE v. JORDAN  
Petition for review denied

denied without prejudice to any relief to which  
defendant might be entitled after this court  
determines in *People v. Black*, S126182, and  
*People v. Towne*, S125677, the effect of *Blakely*  
*v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531,  
on California law.

**S129417**

A100714 First Appellate District,  
Division Three

CCPA NO. 1 v. COUNTY OF SONOMA  
Petition for review denied

Kennard and Chin, JJ., are of the opinion the  
petition should be granted.

**S129429**

H024429 Sixth Appellate District

PEOPLE v. SCOTT  
Petition for review denied

Request for judicial notice granted.  
Petition for review denied without prejudice  
to any relief to which defendant might be  
entitled after this court determines in *People v.*  
*Black*, S126182, and *People v. Towne*, S125677,  
the effect of *Blakely v. Washington* (2004) \_\_  
U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129496**

D043514 Fourth Appellate District,  
Division One

PEOPLE v. SANCHEZ  
Petition for review denied

denied without prejudice to any relief to which  
defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129497**  
H026784 Sixth Appellate District

JORDAN (JAMES) ON H.C.  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129500**

O'FLAHERTY v. COMM JUDICIAL PERFORM  
Petition for review denied

**S129502**  
D041726 Fourth Appellate District,  
Division One

PEOPLE v. VASQUEZ  
Petitions for review denied

**S129557**  
E034130 Fourth Appellate District,  
E035365 Division Two

PEOPLE v. MURPHY  
Petition for review denied

**S129569**  
H026289 Sixth Appellate District

PEOPLE v. TRUJILLO  
Petition for review denied

**S129576**  
A100264 First Appellate District,  
Division Three

PEOPLE v. GAINES  
Petition for review denied

**S129599**  
A105153 First Appellate District,  
Division Three

FIDELITY NATIONAL TITLE INS v. MARKS  
Petition for review denied

**S129609**  
B166841 Second Appellate District,  
B172007 Division One

PEOPLE v. MEAN  
Petitions for review denied

**S129646**  
C044283 Third Appellate District

PEOPLE v. SHUPE  
Petition for review denied

**S129684**  
C039846 Third Appellate District

PEOPLE v. KEITH  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129724**  
C048249 Third Appellate District

CERVANTES v. S.C. (PEOPLE)  
Petition for review denied

**S129741**  
B179083 Second Appellate District,  
Division Three

MALAAMBO v. S.C. (KAISER FOUNDATION)  
Petition for review denied

Werdegarr, J., was recused and did not participate.

**S129752**  
B170634 Second Appellate District,  
Division Seven

PEOPLE v. HERNANDEZ  
Petition for review denied

**S129785**  
D043405 Fourth Appellate District,  
Division One

BOSSI v. GOVERNING BOARD OF THE SOUTH-  
WESTERN COMMUNITY COLLEGE DIST.  
Petition for review denied

**S129809**  
B171843 Second Appellate District,  
Division Four

PAGE v. LOS ANGELES COUNTY PROBATION  
DEPARTMENT  
Petition for review denied

**S129864**  
A101106 First Appellate District,  
Division Five

PEOPLE v. NICHOLSON  
Petition for review denied

**S129904**

D041499 Fourth Appellate District,  
Division One

ROBLES v. AUTOZONE INC.  
Petition for review denied

**S129906**

H026740 Sixth Appellate District

P. (CHRISTOPHER) IN RE  
Petition for review denied

**S129916**

F042966 Fifth Appellate District

PEOPLE v. GARDEA  
Petition for review denied

**S129959**

C045777 Third Appellate District

M. (E.), IN RE  
Petition for review denied

**S130005**

E034544 Fourth Appellate District,  
Division Two

PEOPLE v. CHATMAN  
Petition for review denied

**S130014**

E033907 Fourth Appellate District,  
Division Two

PEOPLE v. DOVE  
Petition for review denied

**S130033**

B172641 Second Appellate District,  
Division Seven

PEOPLE v. HUDSON  
Petition for review denied

denied without prejudice to any relief to which  
defendant might be entitled after this court  
determines in *People v. Black*, S126182, and  
*People v. Towne*, S125677, the effect of *Blakely*  
*v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531,  
on California law.

**S130036**

B175433 Second Appellate District,  
Division Two

HILL BROTHERS CHEM v. S.C. (LORENTSEN)  
Petition for review denied

**S130045**

D043743 Fourth Appellate District,  
Division One

UNITED SERVICES AUTOMOBILE v. HERWIG  
Petition for review denied

**S130076**

B168077 Second Appellate District,  
Division Seven

**GALLAGHER v. CONNELL**

Petition for review denied

**S130105**

A108075 First Appellate District,  
Division Five

**CHEVRON PRODUCTS v. W.C.A.B (PERNELL)**

Petition for review denied

Kennard, J., was recused and did not participate.

**S130114**

D045409 Fourth Appellate District,  
Division One

**BEARINGPOINT v. S.C. (ARIKO)**

Petition for review denied

**S130131**

G034765 Fourth Appellate District,  
Division Three

**FINK v. S.C. (KENNEDY)**

Petition for review denied

**S130165**

F043762 Fifth Appellate District

**PEOPLE v. LUPERCIO**

Petition for review denied

**S130166**

G030445 Fourth Appellate District,  
Division Three

**PEOPLE v. MO**

Petition for review denied

**S130171**

B168040 Second Appellate District,  
Division Seven

**PEOPLE v. SALAZAR**

Petition for review denied

**S130172**

B164703 Second Appellate District,  
Division Three

**PEOPLE v. MARKY**

Petition for review denied

**S130177**

B170824 Second Appellate District,  
Division Three

**PEOPLE v. HUERTA**

Petition for review denied

**S130182**

C045293 Third Appellate District

**PEOPLE v. GOLDSBERRY**

Petition for review denied



**S130189**

B170292 Second Appellate District,  
Division One

## PEOPLE v. KELLY

Petition for review denied

**S130193**

B169761 Second Appellate District,  
Division Seven

## PEOPLE v. SMITH

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S130198**

B174832 Second Appellate District,  
Division Two

## L. (VALARIE), IN RE

Petition for review denied

**S130200**

A103794 First Appellate District,  
Division Two

## PEOPLE v. MENNONA

Petition for review denied

**S130206**

C043193 Third Appellate District

## PEOPLE v. MINTON

Petition for review denied

**S130211**

A104709 First Appellate District,  
Division Four

## PEOPLE v. HATCH

Petition for review denied

**S130215**

A104437 First Appellate District,  
Division Four

## PEOPLE v. MARNEY

Petition for review denied

**S130238**

B171313 Second Appellate District,  
Division Six

## PEOPLE v. RUIZ

Petition for review denied

**S130241**

G033101 Fourth Appellate District,  
Division Three

## PEOPLE v. SAUL

Petition for review denied

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| <b>S130251</b><br>F045141 Fifth Appellate District                     | C. (A.), IN RE<br>Petition for review denied               |
| <b>S130260</b><br>B170419 Second Appellate District,<br>Division Six   | PEOPLE v. GUTIERREZ<br>Petition for review denied          |
| <b>S130277</b><br>A100109 First Appellate District,<br>Division One    | PEOPLE v. SMITH (LARRY GENE)<br>Petition for review denied |
| <b>S130278</b><br>F045008 Fifth Appellate District                     | PEOPLE v. REAMES<br>Petition for review denied             |
| <b>S130289</b><br>B170954 Second Appellate District,<br>Division Seven | PEOPLE v. WEATHERFORD<br>Petition for review denied        |
| <b>S130291</b><br>C043246 Third Appellate District                     | PEOPLE v. HENLEY<br>Petition for review denied             |
| <b>S130300</b><br>C044432 Third Appellate District                     | PEOPLE v. GUZMAN<br>Petition for review denied             |
| <b>S130301</b><br>B169747 Second Appellate District,<br>Division Three | PEOPLE v. DELYLE<br>Petition for review denied             |
| <b>S130303</b><br>H026291 Sixth Appellate District                     | GUPTA v. STANFORD UNIVERSITY<br>Petition for review denied |
| <b>S130305</b><br>B171283 Second Appellate District,<br>Division Two   | PEOPLE v. BOULWARE<br>Petition for review denied           |
| <b>S130308</b><br>A103380 First Appellate District,<br>Division Three  | PEOPLE v. NOGUEZ<br>Petition for review denied             |

**S130309**

D043891 Fourth Appellate District,  
D044652 Division One

PEOPLE v. ANANI

Petition for review denied

**S130310**

F044191 Fifth Appellate District

PEOPLE v. SMITH

Petition for review denied

**S130313**

C039696 Third Appellate District

PEOPLE v. GLICA

Petition for review denied

**S130316**

C046404 Third Appellate District

PEOPLE v. TOLER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S130331**

B168835 Second Appellate District,  
Division Seven

STREETSCENES v. ITC ENTERTAINMENT GROUP

Petition for review denied

**S130351**

B179779 Second Appellate District,  
Division Two

GOVIN v. S. C. (PEOPLE)

Petition for review denied

The stay of trial in *People v. Pravin Govin*, Los Angeles County Superior Court Number BA234510-03, issued on January 5, 2005, is hereby dissolved.

**S130353**

G033133 Fourth Appellate District,  
Division Three

HEAPS v. HEAPS

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S130362**

B160564 Second Appellate District,  
Division Three

BLACK v. MCCORMACK

Petition for review denied

**S130455**

G029989 Fourth Appellate District,  
Division Three

## PEOPLE v. REFFNER

Petition for review denied

**S130494**

A108683 First Appellate District,  
Division Three

## DOMINGUEZ v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S130765**

B174811 Second Appellate District,  
Division Five

## SHARMA v. PARDUE

Petition for review denied

**S130776**

G034797 Fourth Appellate District,  
Division Three

## ROWGHANI v. S.C. (SOUTH TRUST)

Petition for review and application for stay denied

**S121019**

## LE (VIET) ON H.C.

Petition for writ of habeas corpus denied

**S121741**

## HOUSTON (ROYCE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Miller*  
(1941) 17 Cal.2d 734; *In re Lindley* (1947) 29  
Cal.2d 709; *In re Swain* (1949) 34 Cal.2d 300,  
304; *People v. Duvall* (1995) 9 Cal.4th 464,  
474.)

**S122207**

## ADKINS (DUPREE LAMONT) ON H.C.

Petition for writ of habeas corpus denied

**S122532**

## BANDA (SAMUEL) ON H.C.

Petition for writ of habeas corpus denied

**S122907**

## GONZALES (EDWARD S.) ON H.C.

Petition for writ of habeas corpus denied

**S122916**

## INGLETT (JEFFERY R.) ON H.C.

Petition for writ of habeas corpus denied

**S122945**

LAMPEL (JONATHAN) ON H.C.  
Petition for writ of habeas corpus denied

**S122966**

SNOW (STEPHEN F.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Miller*  
(1941) 17 Cal.2d 734.)

**S122968**

WARNER (ERIC WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

**S123007**

COWANS (RANDALL) ON H.C.  
Petition for writ of habeas corpus denied

**S123310**

WILSON (CHRISTOPHER) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In*  
*re Dixon* (1953) 41 Cal.2d 756.)

**S123322**

TATUM (ANTHONY W.) ON H.C.  
Petition for writ of habeas corpus denied

**S123363**

BELL (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S123372**

ROBLES (LUIS) ON H.C.  
Petition for writ of habeas corpus denied

**S123386**

TAYLOR (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

**S123388**

BOWMAN (DEAUNDRE L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*

*Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S123391**

MEROLILLO (MARC C.) ON H.C.  
Petition for writ of habeas corpus denied

**S123393**

ALCARAZ (TEODORO) ON H.C.  
Petition for writ of habeas corpus denied

**S123428**

CHAMPION (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

**S123432**

RIO (GUILLERMO) ON H.C.  
Petition for writ of habeas corpus denied

**S123434**

MILLER (GLENN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Seaton* (2004) 34 Cal.4th 193; *In re Dixon* (1953) 41 Cal.2d 756; *In re Miller* (1941) 17 Cal.2d 734.)

**S123435**

GWIN (RAMUS EUGENE) ON H.C.  
Petition for writ of habeas corpus denied

**S123444**

COCHRAN (JERALD C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123445**

REDMOND (CURTIS) ON H.C.  
Petition for writ of habeas corpus denied

**S123447**

BAIZA (ANDRE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123449**

SMARTT (HASSAN) ON H.C.  
Petition for writ of habeas corpus denied

**S123451**

BAILEY (MICHAEL D.) ON H.C.  
Petition for writ of habeas corpus denied

**S123479**

HARVEY (JAMES E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Dexter* (1979) 25 Cal.3d 921.)

**S123482**

BLACKWELL (WILLIAM D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S123514**

KIM (DAVID MIN) ON H.C.  
Petition for writ of habeas corpus

**S123537**

WEBB (MERRITT) ON H.C.  
Petition for writ of habeas corpus denied

**S123553**

TOWNSELL (DEMETRIUS C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S123594**

YOUMANS (ANTONIO P.) ON H.C.  
Petition for writ of habeas corpus denied

**S123648**

CORTEZ (GUADALUPE) ON H.C.  
Petition for writ of habeas corpus denied

**S123649**

SANDHER (JOGA SINGH) ON H.C.  
Petition for writ of habeas corpus denied

**S123661**

CHAN (JORGE M.) ON H.C.  
Petition for writ of habeas corpus denied

**S123665**

GOODALL (HARRY C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123997**

GOODALL (HARRY C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

**S124210**

GOODALL (HARRY C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709.)

**S125249**

WALKER (ANTONIO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126434**

COWANS (RANDALL) ON H.C.  
Petition for writ of habeas corpus denied

**S126733**

CHAMPION (RICHARD E.) ON H.C.  
Petition for writ of habeas corpus denied

**S127944**

WILSON (CRAIG) ON H.C.  
Petition for writ of habeas corpus denied

**S128848**

MILLER (JOE T.) ON H.C.  
Petition for writ of habeas corpus denied



**S129638**

DIAZ (LUIS F.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129935**

MILLER (JOE THOMAS) ON H.C.  
Petition for writ of habeas corpus denied

**S130000**

SCOTT (MARK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S130058**

SMITH (DAVID W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Seaton* (2004) 34 Cal.4th 193.)

**S130106**

DESEO (ROSAURO L.) ON H.C.  
Petition for writ of habeas corpus denied

**S130137**

WILLIAMS (LARRY) ON H.C.  
Petition for writ of habeas corpus denied

**S130285**

F. (XAVIERA) ON H.C.  
Petition for writ of habeas corpus denied

**S130428**

ZIN (JON) ON H.C.  
Petition for writ of habeas corpus denied

**S130515**

WHITNEY (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

**S130556**

JOHNSON (CHARLES E.) ON H.C.  
Petition for writ of habeas corpus denied

(See Pen. Code, § 3000, subd.(b)(5).)

**S130562**MITCHELL (DWAYNE) ON H.C.  
Petition for writ of habeas corpus denied**S130621**WRIGHT (SAMUEL) ON H.C.  
Petition for writ of habeas corpus denied**S130658**JACKSON (KENNETH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S130686**FRAZIER (KENNETH) ON H.C.  
Petition for writ of habeas corpus denied**S130705**SANCHEZ (ALDREDO M.) ON H.C.  
Petition for writ of habeas corpus denied**S128690**B168031 Second Appellate District,  
Division FiveHERMAN WEISSKER, INC. v. LEXINGTON  
Publication request denied (case closed)**S129745**E035337 Fourth Appellate District,  
Division TwoP. (DEREK), IN RE  
Publication request denied (case closed)**S123203**B152948 Second Appellate District,  
Division FourRUSHEEN v. COHEN  
Extension of time granted

respondents to February 7, 2005, to file the reply  
brief on the merits.

**S125912**

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)  
Extension of time granted

Real Party in Interest El Dorado County to  
February 17, 2005 to file the reply brief on the  
merits.

**S128442**G031061 Fourth Appellate District,  
Division Three

PEOPLE v. WRIGHT

Extension of time granted

respondent to February 22, 2005 to file the  
opening brief on the merits.

**S024046**

PEOPLE v. OMALLEY (JAMES F.)

Orders filed (2)

(1) Substitution of counsel ordered

Good cause appearing, the application of  
appointed counsel for permission to withdraw as  
appellate and habeas corpus/executive clemency  
attorney of record for appellant James Francis  
O'Malley, filed August 17, 2004, is granted.

The order appointing the State Public  
Defender as counsel of record for appellant  
James Francis O'Malley, filed July 19, 1994, is  
hereby vacated.

Cliff Gardner is hereby appointed as counsel  
of record to represent appellant James Francis  
O'Malley for the direct appeal in the above  
automatic appeal now pending in this court.

The Habeas Corpus Resource Center is  
hereby appointed to represent appellant James  
Francis O'Malley for habeas corpus/executive  
clemency proceedings related to the above  
automatic appeal now pending in this court.

The application of the State Public Defender  
to withdraw as habeas corpus/executive  
clemency counsel of record on behalf of  
appellant James Francis O'Malley on the ground  
of inadequate resources to represent appellant  
competently and adequately in that capacity,  
filed August 17, 2004, is dismissed as moot.

(2) Application to file document under seal granted

Good cause appearing, the motion of  
appointed counsel State Public Defender, filed  
August 17, 2004, to file under seal records in  
support of the motion to withdraw and for  
appointment of new appellate and habeas  
corpus/executive clemency counsel of record for

appellant James Francis O'Malley, is granted.  
(Cal. Rules of Court, rules 12.5(e) & 243.1(d)-(e).)

**S093756**

PEOPLE v. WILLIAMS (COREY)  
Counsel appointment order filed

appointing Jeanne Keevan-Lynch to represent  
appellant for the direct appeal.

**S129821**

F045972 Fifth Appellate District

M. (SARA) v. S.C. (DEPARTMENT OF SOCIAL  
SERVICES  
Counsel appointment order filed

Upon request of petitioner for appointment of  
counsel, Janet G. Sherwood is hereby appointed  
to represent petitioner on the appeal now  
pending in this court.

Your attention is directed to California  
Rules of Court, rule 29.1, for the briefing  
requirements. Please note also that, because this  
is a child dependency case, the court may grant  
an extension of time only on "an exceptional  
showing of good cause." (Code Civ. Proc., §  
45; Cal. Rules of Court, rule 38.2(d).)

**S130032**

B165580 Second Appellate District,  
Division Seven

PEOPLE v. JUAREZ  
Counsel appointment order filed

Sylvia Baiz appointed for appellant.

**S073253**

PEOPLE v. GUTIERREZ (ALFRED A.)  
Motion for access to sealed record granted

Respondent's "Application for Copies of  
Sealed Transcript," filed on January 6, 2005, is  
granted. (Cal. Rules of Court, rule 31.2(a)(4).)

The clerk is directed to provide respondent  
with a copy of the reporter's sealed transcript on  
appeal of a *Marsden* hearing before the  
Honorable Robert A. Dukes, Judge Presiding,

on January 15, 1998, in case number KA 034049 of the Los Angeles County Superior Court, volume 1D, pages 89-96. The transcript is to remain sealed.

**S042698**

PEOPLE v. JURADO (ROBERT)  
Motion denied

Appellant's "Application for Transmission of an Exhibit to the Court," filed on December 22, 2004, is denied without prejudice to its renewal in compliance with rule 36.1 of the California Rules of Court.

**S076118**

AVENA (CARLOS J.) ON H.C.  
Order filed

The clerk is directed to file petitioner's "Supplemental Authorities in Support of Petition for Writ of Habeas Corpus" nunc pro tunc as of November 5, 2004.

**S131013**

FUNCHES v. S.C. (PEOPLE)  
Transferred to CA 2

**S028747**

PEOPLE v. SAN NICOLAS (RODNEY)  
Order filed

court's 150-day statement.

**B167422** Second Appellate District,  
Division Three

PEOPLE v. SCHACOBIE H. MANNING  
The time for granting review on the court's own motion is hereby extended to and including March 22, 2005. (Cal. Rules of Court, rule 28.2(c).)

**B173767** Second Appellate District,  
Division Three

PEOPLE v. MARCOS ANTONIO VASQUEZ  
The time for granting review on the court's own motion is hereby extended to and including April 6, 2005. (Cal. Rules of Court, rule 28.2(c).)

